

Please type a plus sign (+) inside this box □

+

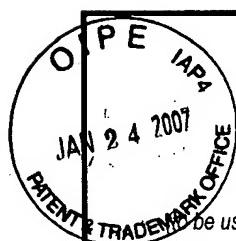
PTO/SB/21 (6-99)

Approved for use through 09/30/2000. OMB 0651-0031

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE  
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

01-26-07

DFW



## TRANSMITTAL FORM

be used for all correspondence after initial filing

Total Number of Pages in This Submission

Application Number	10/719,310
Filing Date	November 21, 2003
First Named Inventor	Brunetta et al.
Group/Art Unit	1644
Examiner Name	Huynh, Phoung N.

Attorney Docket Number

1644

### ENCLOSURES (check all that apply)

Fee Transmittal Form

Fee Attached

Amendment / Response

After Final

Version With Markings Showing Changes

Affidavits/declaration(s)

Extension of Time Request

Information Disclosure Statement

Certified Copy of Priority Document(s)

Response to Missing Parts/ Incomplete Application

Response to Missing Parts under 37 CFR 1.52 or 1.53

Copy of Notice

Recordation Cover Sheet with Executed Assignment

Drawing(s)

Licensing-related Papers

Petition to consider IDS Statement 1.97(d)

Petition to Convert to a Provisional Application

Power of Attorney, by Assignee to Exclusion of Inventor Under 37 C.F.R. §3.71 With Revocation of Prior Powers

Terminal Disclaimer

Small Entity Statement

Request for Refund

After Allowance Communication to Group

Appeal Communication to Board of Appeals and Interferences

Proprietary Information

Status Letter

ADDITIONAL ENCLOSURE(S)  
(PLEASE IDENTIFY BELOW):

COPY OF SEARCH REPORT AND RETURN STAMPED POSTCARD

Remarks

AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT 08-1641 FOR ANY FEES DUE IN CONNECTION WITH THIS PAPER, REFERENCING ATTORNEY'S DOCKET NO. 39766-0205

### SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

Firm or Individual name **HELLER EHRLMAN LLP**  
275 Middlefield Road, Menlo Park, California 94025 Telephone: (650) 324-7000 Facsimile: (650) 324-0638

Signature

Date

January 23, 2007

Customer Number:

25213

### CERTIFICATE OF EXPRESS MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated below and addressed to: MAIL STOP xxxx, Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450, on this date: January 23, 2007.

Express Mail Label EV 581 478 070 US

Typed or printed name

Elena Torres

Signature

Date

January 23, 2007

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop \_\_\_\_\_, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PTO/SB/17 (12-04)

Approved for use through 07/31/2006, OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

# FEE TRANSMITTAL for FY 2006

Effective 10/01/2003. Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 130.00)

## Complete if Known

Application Number	10/719,310
Filing Date	November 21, 2003
First Named Inventor	Paul Brunetta
Examiner Name	Huynh, Phoung N.
Art Unit	1644
Attorney Docket No.	39766-0205

## METHOD OF PAYMENT (check all that apply)

Check  Credit card  Money Order  Other  None

Deposit Account:

Deposit Account Number 08-1641  
Deposit Account Name HELLER EHRMAN LLP (39766-0205)

The Director is authorized to: (check all that apply)

- Charge fee(s) indicated below  Credit any overpayments  
 Charge any additional fee(s) or any underpayment of fee(s)  
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity	Small Entity	Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1001 300	2001 150	Utility filing fee			
1002 200	2002 100	Design filing fee			
1003 200	2003 100	Plant filing fee			
1004 300	2004 150	Reissue filing fee			
1005 200	2005 100	Provisional filing fee			
SUBTOTAL (1) (\$)					

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Independent Claims	Multiple Dependent	Extra Claims	Fee from below	Fee Paid
			-20** =	X	=
			- 3** =	X	=

Large Entity	Small Entity	Fee Description
1202 50	2202 25	Claims in excess of 20
1201 200	2201 100	Independent claims in excess of 3
1203 360	2203 180	Multiple dependent claim, if not paid
1204 200	2204 100	** Reissue independent claims over original patent
1205 50	2205 25	** Reissue claims in excess of 20 and over original patent
SUBTOTAL (2) (\$)		

\*\*or number previously paid, if greater; For Reissues, see above

## 3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 120	2251 60	Extension for reply within first month	
1252 450	2252 225	Extension for reply within second month	
1253 1,020	2253 510	Extension for reply within third month	
1254 1,590	2254 795	Extension for reply within fourth month	
1255 2,160	2255 1,080	Extension for reply within fifth month	
1401 500	2401 250	Notice of Appeal	
1402 500	2402 250	Filing a brief in support of an appeal	
1403 1,000	2403 500	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 500	2452 250	Petition to revive - unavoidable	
1453 1,500	2453 750	Petition to revive - unintentional	
1501 1,400	2501 700	Utility issue fee (or reissue)	
1502 800	2502 400	Design issue fee	
1503 1,100	2503 550	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 790	2809 395	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 790	2810 395	For each additional invention to be examined (37 CFR 1.129(b))	
1801 790	2801 395	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	
Other fee (specify) _____			

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 130)

(Complete if applicable)

SUBMITTED BY	(Complete if applicable)		
Name (Print/Type)	GINGER R. DREGER	Registration No. (Attorney/Agent)	33, 055
Signature	Telephone 650-324-7000		
Date	January 24, 2007		

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Brunetta et al. Docket No.: 39766-0205  
Serial No.: 10/719,310 Group Art Unit: 1644  
Filing Date: 11/21/2003 Examiner: Huynh, Phoung N.  
For: THERAPY OF NON-MALIGNANT DISEASES OR DISEASES WITH ANTI-ERBB2 ANTIBODIES

**PETITION TO CONSIDER INFORMATION DISCLOSURE STATEMENT  
UNDER 37 C.F.R. § 1.97(d)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant(s) hereby Petition the Commissioner to consider the references cited in the attached Information Disclosure Statement. The Information Disclosure Statement is being submitted after receipt of a Final Official Action or Notice of Allowance, but before payment of the issue fee, and is therefore accompanied by this Petition to Consider in accordance with the provisions of 37 C.F.R. § 1.97(d). Also, attached hereto is a Certification as required by this paragraph.

The Commissioner is authorized to charge any additional fees which may be required, including petition fees and extension of time fees, or credit any overpayment, to Deposit Account 08-1641 (Docket No. 39766-0205).

01/29/2007 WASFAW1 00000007 081641 10719310

01 FC:1464 130.00 DA

Respectfully submitted,

  
GINGER R. DREGER, Reg. No. 33,055

Date: January 24, 2007

HELLER EHRLIN LLP  
Customer No. 25213  
275 Middlefield Road  
Menlo Park, CA 94025  
Tel: (650) 320-4000  
Fax: (650) 320-4100



CERTIFICATE OF EXPRESS MAILING			
I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated below and addressed to: Mail Stop: Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA on the date indicated below.			
Express Mail Label: EV 581 478 070 US			
Typed or print name	Elena Torres		
Signature			Date
			January 23, 2007

PATENT

Attorney Docket No.: 39766-0205

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**PATENT APPLICATION**

Inventor(s): Brunetta et al. )  
Application No.: 10/719,310 ) Art Unit: 1644  
Filed: November 21, 2003 ) Examiner: Huynh, Phoung N.  
Title: THERAPY OF NON-MALIGNANT DISEASES )  
OR DISORDERS WITH ANTI-ERBB2 ANTIBODIES)

**INFORMATION DISCLOSURE STATEMENT**

**UNDER 37 C.F.R. §1.97**

Mail Stop:  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Listed below or on an attached Form PTO-1449 is information known to applicant(s). A copy is provided of each foreign patent, each cited pending unpublished U.S. application, and all additional publications other than U.S. patents and U.S. patent application publications. 37 C.F.R. §§1.97-1.98.

Applicants respectfully request that the listed information be considered by the Examiner and be made of record in the above-identified application. If form PTO-1449 is enclosed, the Examiner is requested to initial and return it in accordance with MPEP §609. The references were cited in a search report for the corresponding PCT patent application. A copy of the search report is enclosed.

This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, material to patentability as defined in §1.56.



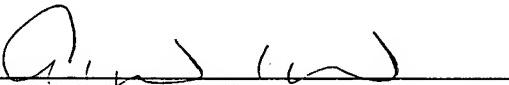
- This statement qualifies under 37 C.F.R. §1.97, subsection (b) because (check all that apply):
- (1) It is being filed within 3 months of the application filing date and is other than a continued prosecution application under § 1.53(d)  
-- OR --
- (2) It is being filed within 3 months of entry of a national stage  
-- OR --
- (3) It is being filed before the mail date of the first Office Action on the merits  
-- OR --
- (4) It is being filed before the mailing of a first Office Action after the filing of a request for continued examination under § 1.114.
- 37 C.F.R. §1.97(c). If this statement is being filed after the latest of: (1) three months beyond the filing date of a national application; (2) three months beyond the date of entry of the national stage as set forth in §1.491 in an international application; or (3) the mailing date of a first Office action on the merits, but before the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, then:
- a certification as specified in §1.97(e) is provided below; or
- a fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.
- 37 C.F.R. §1.97(d). If this statement is being filed after the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, but before payment of the issue fee, then:
- A. a certification as specified in §1.97(e) is completed below; and
- B. a petition under 37 C.F.R. §1.97(d) requesting consideration of this statement is submitted herewith; and
- C. a fee of \$130.00 as set forth in §1.17(i)(1) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.
- Fee Authorization.* The Commissioner is hereby authorized to charge the above-referenced fees and charge any additional fees or credit any overpayment associated with this communication to Deposit Account No. 08-1641 (Docket No.: 39766-0205).

Dated: January 24, 2007

HELLER EHRLMAN LLP  
275 Middlefield Road  
Menlo Park, CA 94025-3506  
Telephone: 1.650.324.7000  
Facsimile: 1.650.324.0638  
Customer No.: 25213

Respectfully submitted,

HELLER EHRLMAN LLP

By:   
GINGER R. DREGER  
Reg. No.: 33,055

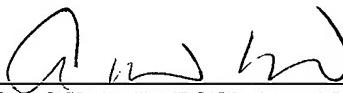


## CERTIFICATION

(Attachment to Information Disclosure Statement)

- 37 C.F.R. § 1.97(e)(1). APPLICANT'S UNDERSIGNED ATTORNEY HEREBY CERTIFIES THAT each item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the statement; or
- 37 C.F.R. § 1.97(e)(2). APPLICANT'S UNDERSIGNED ATTORNEY HEREBY CERTIFIES THAT no item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the person signing this certification after making reasonable inquiry, or was known to any individual designated in § 1.56(c) more than three months prior to the filing of this statement.

Respectfully submitted,

By:   
GINGER R. DREGER, Reg. No.: 33,055

Dated: January 24, 2007

HELLER EHRLMAN LLP  
275 Middlefield Road  
Menlo Park, CA 94025-3506  
Telephone: 1.650.324.7000  
Facsimile: 1.650.324.0638  
Customer No.: 25213

SV 2256548 v1  
1/23/07 1:45 PM (39766.0205)

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.